

House File 251 - Introduced

HOUSE FILE 251
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 35)

A BILL FOR

1 An Act relating to the liability of possessors and occupants of
2 land for injury to trespassers and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 462.1 Liability of possessors and
2 occupants of land to trespassers.

1. A possessor of any fee, reversionary, or easement interest in real property, including but not limited to an owner, lessee, or other lawful occupant, owes no duty of care to a trespasser except to refrain from willfully or wantonly injuring the trespasser and to use reasonable care to avoid injuring the trespasser after that trespasser's presence becomes known.

10 2. This section shall not be construed to affect the common
11 law doctrine of attractive nuisance.

12 3. This section does not create or increase the civil
13 liability of any possessor or occupant of real property and
14 does not affect any immunities from or defenses to civil
15 liability established by another section of the Code or
16 available at common law to which a possessor or occupant of
17 real property may be entitled.

18 Sec. 2. APPLICABILITY. This Act applies to all causes of
19 action accrued on or after the effective date of this Act.

20	EXPLANATION
----	-------------

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill relates to the liability of a possessor or occupant
24 of land for injury to a trespasser.

25 The bill provides that a possessor of any fee, reversionary,
26 or easement interest in real property, including but not
27 limited to an owner, lessee, or other lawful occupant, owes no
28 duty of care to a trespasser except to refrain from willfully
29 or wantonly injuring the trespasser and to use reasonable
30 care to avoid injuring the trespasser after that trespasser's
31 presence becomes known.

32 The bill does not affect the common law doctrine of
33 attractive nuisance, which imposes a duty on a landowner to
34 protect children from dangerous conditions of or items on
35 the property that will foreseeably attract children onto the

1 property.

2 The bill does not create or increase the civil liability of
3 any possessor or occupant of real property and does not affect
4 any immunities from or defenses to civil liability established
5 by another Code section or available at common law to which a
6 possessor or occupant of real property may be entitled.

7 The bill applies to all causes of action accrued on or after
8 the effective date of the bill.